

**D.N. DBD-CV15-6016722-S**

**SUPERIOR COURT**

**THE ESTATE OF JESSE LEWIS,  
SCARLETT LEWIS AS  
ADMINISTRATRIX AND NEIL HESLIN  
AS CO-ADMINISTRATOR AND THE  
ESTATE OF NOAH POZNER, LEONARD  
POZNER AS ADMINISTRATOR**

**J.D. OF DANBURY**

**AT DANBURY**

**OCTOBER 14, 2016**

**v.**

**THE TOWN OF NEWTOWN AND  
NEWTOWN BOARD OF EDUCATION**

**ANSWER AND SPECIAL DEFENSES TO REVISED THIRD COMPLAINT**

**FIRST COUNT (THE ESTATE OF JESSE LEWIS, SCARLETT LEWIS AS  
ADMINISTRATRIX, NEIL HESLIN AS CO-ADMINISTRATOR against THE  
NEWTOWN BOARD OF EDUCATION)**

1. The Defendant, Newtown Board of Education (the “Board”), lacks sufficient information or knowledge to form a response to this paragraph and therefore leaves the Plaintiffs to their proof.
2. The Board admits that it is an elected Municipal Board, constituted and convened for purposes including the implementation and administration of policies, procedures and/or statutory and legal mandates concerning the delivery of public education, supervision and safety of students attending public schools in the Town of Newtown, including Sandy Hook Elementary School. The Board, through its employees, disseminates all policies, procedures and guidelines for the public schools in Newtown.
3. Admit.
4. The Board admits that Ms. Robinson had overall responsibility for the operation of the Town’s school system including student safety and that she was the liaison between the

various schools and the Board. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.

5. Admit.
6. The Board admits that Gen. Stat. §§ 10-220, 10-220f or 10-221 apply to it. The Board denies that it violated any provisions of Conn. Gen. Stat. §§ 10-220, 10-220f, 10-221 or 52-557n.
7. Denied.
8. Denied.
9. Denied.
10. The Board admits that the door to the classrooms did not lock from the inside. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.
11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. The Board admits that on December 14, 2012 at approximately 9:30 AM, the front doors of Sandy Hook Elementary School in Newtown, Connecticut were locked as was the practice at the school.
16. The Board admits that to the right side of the locked front doors of the school were windows of the approximate dimension alleged. With respect to the balance of this

paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.

17. Admit.
18. The Board admits that at approximately 9:35 AM, Adam Lanza used a firearm to break the windows located next to the locked school doors, gaining access to Sandy Hook Elementary School. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.
19. Admit.
20. Admit.
21. The Board admits that a staff member was shot in the leg and was able to return to Conference Room 9. The Board denies that this staff member made a call to 9-1-1 or activated the school intercom system. The Board admits that 9-1-1 calls were made by staff members and that a person located in Conference Room 9 activated the school intercom system.
22. The Board lacks sufficient information or knowledge to determine Adam Lanza's exact movements within the school. The Board admits that staff members were hiding within the main office of the school when Lanza was in the school. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.
23. The Board admits that staff members called 9-1-1.

24. The Board lacks sufficient information or knowledge to determine Adam Lanza's exact movements within the school and therefore leaves the Plaintiffs to their proof. The Board admits that Adam Lanza entered Classrooms 8 and 10.
25. The Board admits that the doors to Classrooms 8 and 10 were not locked. The Board denies the balance of the allegations in this paragraph.
26. The Board admits that the doors to Classrooms 8 and 10 could only be locked using a key on the handle facing the hallway. The Board denies the balance of the allegations in this paragraph.
27. Denied.
28. Admit.
29. Admit.
30. Denied.
31. Denied.
32. The Board lacks sufficient information and knowledge to form a response to this paragraph and therefore leaves the Plaintiffs to their proof.
33. The Board lacks sufficient information and knowledge to form a response to this paragraph and therefore leaves the Plaintiffs to their proof.
34. The Board lacks sufficient information and knowledge to form a response to this paragraph and therefore leaves the Plaintiffs to their proof.
35. The Board lacks sufficient information and knowledge to form a response to this paragraph and therefore leaves the Plaintiffs to their proof.

**SECOND COUNT (THE ESTATE OF JESSE LEWIS, SCARLETT LEWIS AS ADMINISRATRIX, NEIL HESLIN AS CO-ADMINISTRATOR against THE TOWN OF NEWTOWN)**

1. The Defendant, Town of Newtown (the “Town”), lacks sufficient information or knowledge to form a response to this paragraph and therefore leaves the Plaintiffs to their proof.
2. The Town admits that it is a municipality within the State of Connecticut responsible, through its Board of Education, for the education of children from grade school through high school and for their safety while attending school.
3. The Town admits all of this paragraph, except with respect to the last words “through the Town” the Town lacks sufficient knowledge or knowledge to form a belief as to the truth thereof and therefore leaves the Plaintiffs to their proof.
4. The Town admits that Ms. Robinson had overall responsibility for the operation of the Town’s school system including student safety and that she was the liaison between the various schools and the Board. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.
5. Admit.
6. Denied.
7. Denied.
8. Denied.
9. Denied.
10. The Town admits that the doors to the classroom did not lock from the inside. The balance of this paragraph is denied.

11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. Denied.
16. Admit.
17. The Town admits that to the right side of the locked front doors of the school were windows of the approximate dimension alleged. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.
18. Admit.
19. The Town admits that at approximately 9:35 AM, Adam Lanza used a firearm to break the windows located next to the locked school doors, gaining access to Sandy Hook Elementary School. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.
20. Admit.
21. Admit.
22. The Town admits that a staff member was shot in the leg and was able to return to Conference Room 9. The Town denies that this staff member made a call to 9-1-1 or activated the school intercom system. The Town admits that 9-1-1 calls were made by staff members and that a person located in Conference Room 9 activated the school intercom system.

23. The Town admits that staff members were hiding within the main office of the school when Lanza was in the school. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.
24. The Town admits that staff members called 9-1-1.
25. The Town lacks sufficient information or knowledge to determine Adam Lanza's exact movements within the school. The Town admits that Adam Lanza entered Classrooms 8 and 10.
26. The Town admits that the doors to Classrooms 8 and 10 were not locked. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.
27. The Town admits that the doors to Classrooms 8 and 10 could only be locked using a key used on the handle facing the hallway. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.
28. Denied.
29. Admit.
30. Admit
31. Denied.
- 31 [SIC]. Denied.
32. The Town lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiffs to their proof.

33. The Town lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiffs to their proof.
34. The Town lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiffs to their proof.
35. The Town lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiffs to their proof.

**THIRD COUNT (THE ESTATE OF NOAH POZNER, LEONARD POZNER AS ADMINISRATOR against THE NEWTOWN BOARD OF EDUCATION)**

1. The Defendant, Newtown Board of Education (the “Board”), lacks sufficient information or knowledge to form a response to this paragraph and therefore leaves the Plaintiff to his proof.
2. The Board admits that it is an elected Municipal Board, constituted and convened for purposes including the implementation and administration of policies, procedures and/or statutory and legal mandates concerning the delivery of public education, supervision and safety of students attending public schools in the Town of Newtown, including Sandy Hook Elementary School. The Board, through its employees, disseminates all policies, procedures and guidelines for the public schools in Newtown.
3. Admit.
4. The Board admits that Ms. Robinson had overall responsibility for the operation of the Town’s school system including student safety and that she was the liaison between the various schools and the Board. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.



5. Admit.
6. The Board admits that Gen. Stat. §§ 10-220, 10-220f or 10-221 apply to it. The Board denies that it violated any provisions of Conn. Gen. Stat. §§ 10-220, 10-220f, 10-221 or 52-557n.
7. Denied.
8. Denied.
9. Denied.
10. The Board admits that the door to the classrooms did not lock from the inside. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.
11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. The Board admits that on December 14, 2012 at approximately 9:30 AM, the front doors of Sandy Hook Elementary School in Newtown, Connecticut were locked as was the practice at the school.
16. The Board admits that to the right side of the locked front doors of the school were windows of the approximate dimension alleged. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.
17. Admit.

18. The Board admits that at approximately 9:35 AM, Adam Lanza used a firearm to break the windows located next to the locked school doors, gaining access to Sandy Hook Elementary School. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.
19. Admit.
20. Admit.
21. The Board admits that a staff member was shot in the leg and was able to return to Conference Room 9. The Board denies that this staff member made a call to 9-1-1 or activated the school intercom system. The Board admits that 9-1-1 calls were made by staff members and that a person located in Conference Room 9 activated the school intercom system.
22. The Board lacks sufficient information or knowledge to determine Adam Lanza's exact movements within the school. The Board admits that staff members were hiding within the main office of the school when Lanza was in the school. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.
23. The Board admits that staff members called 9-1-1.
24. The Board lacks sufficient information or knowledge to determine Adam Lanza's exact movements within the school and therefore leaves the Plaintiff to his proof. The Board admits that Adam Lanza entered Classrooms 8 and 10.

25. The Board admits that the doors to Classrooms 8 and 10 were not locked. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.
26. The Board admits that the doors to Classrooms 8 and 10 could only be locked using a key on the handle facing the hallway. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.
27. Denied.
28. Admit.
29. Admit.
30. Denied.
31. Denied.
32. The Board lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiff to his proof.
33. The Board lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiff to his proof.
34. The Board lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiff to his proof.
35. The Board lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiff to his proof.

**FOURTH COUNT (THE ESTATE OF NOAH POZNER, LEONARD POZNER AS ADMINISRATOR, against THE TOWN OF NEWTOWN)**

1. The Defendant, Town of Newtown (the “Town”), lacks sufficient information or knowledge to form a response to this paragraph and therefore leaves the Plaintiff to his proof.
2. The Town admits that it is a municipality within the State of Connecticut responsible, through its Board of Education, for the education of children from grade school through high school and for their safety while attending school.
3. The Town admits all of the paragraph, except with respect to the last words “through the Town” the Town has insufficient knowledge to form a belief as to the truth thereof, and therefore denies same and leaves the Plaintiff to his proof.
4. The Town admits that Ms. Robinson had overall responsibility for the operation of the Town’s school system including student safety and that she was the liaison between the various schools and the Board. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.
5. Admit.
6. Denied.
7. Denied.
8. Denied.
9. Denied.
10. The Town admits that the doors to the classroom did not lock from the inside. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.

11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. Denied.
16. Admit.
17. The Town admits that to the right side of the locked front doors of the school were windows of the approximate dimension alleged. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.
18. Admit.
19. The Town admits that at approximately 9:35 AM, Adam Lanza used a firearm to break the windows located next to the locked school doors, gaining access to Sandy Hook Elementary School. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.
20. Admit.
21. Admit.
22. The Town admits that a staff member was shot in the leg and was able to return to Conference Room 9. The Town denies that this staff member made a call to 9-1-1 or activated the school intercom system. The Town admits that 9-1-1 calls were made by staff members and that a person located in Conference Room 9 activated the school intercom system.

23. The Town admits that staff members were hiding within the main office of the school when Lanza was in the school. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.
24. The Town admits that staff members called 9-1-1.
25. The Town lacks sufficient information or knowledge to determine Adam Lanza's exact movements within the school. The Town admits that Adam Lanza entered Classrooms 8 and 10.
26. The Town admits that the doors to Classrooms 8 and 10 were not locked. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.
27. The Town admits that the doors to Classrooms 8 and 10 could only be locked using a key used on the handle facing the hallway. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.
28. Denied.
29. Admit.
30. Admit
31. Denied.
- 31 [SIC]. Denied.
32. The Town lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiff to his proof.

33. The Town lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiff to his proof.
34. The Town lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiff to his proof.
35. The Town lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiff to his proof.

### **FIRST SPECIAL DEFENSE**

The actions of the Defendants and the Defendants' agents complained of by the Plaintiffs were discretionary in nature, and therefore the Defendants are immune from liability under the doctrine of governmental immunity and Conn. Gen. Stat. § 52-557n.

### **SECOND SPECIAL DEFENSE**

The unforeseeable intentional and criminal actions of Adam Lanza were the cause of the damages and injuries claimed by the Plaintiffs and superseded any alleged negligence on the part of the Board of Education or the Town of Newtown, which negligence is expressly denied.

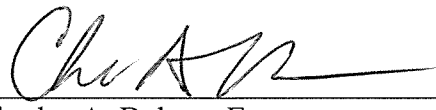
### **THIRD SPECIAL DEFENSE**

Pursuant to Conn. Gen. Stat. 52-557n(b)(6) the Defendants are not liable for damages to persons resulting from the act or omission of someone other than an employee, officer or agent of the political subdivision.

**FOURTH SPECIAL DEFENSE**

The Plaintiffs' claims are barred by the applicable statute of limitations, Conn. Gen. Stat. § 52-584.

DEFENDANTS,  
TOWN OF NEWTOWN AND NEWTOWN  
BOARD OF EDUCATION

By:   
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 14, 2016, a copy of the above was mailed and/or emailed to the following counsel and pro se parties of record:

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A handwritten signature in black ink, appearing to read 'Charles A. Deluca', written over a horizontal line.

Charles A. Deluca, Esq.